

APPLICANT(S): GINZBURG, Boris et al.  
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### Remarks

Applicants respectfully request reconsideration of the above identified application in view of the foregoing amendments and following remarks.

### Status of Claims

Claims 2, 7-9, 15-17, 23, 31, and 44 have been cancelled. Accordingly, Claims 1, 3-6, 10-14, 18-22, 24-30, and 32-43 are now pending in the application. Claims 1, 3, 5-6, 10, 12, 14, 18, 20-22, 26, 28-30, 34, and 40-43 have been amended. Applicants respectfully assert that the amendments to the claims add no new matter.

### Claim Objections

In the Office Action, the Examiner objected to Claims 6, 9, 14, 16-17, 21-23, 29-30, 40, and 42-43 because of informalities. Claims 9, 16-17, and 23 have been cancelled rendering the objection to these claims moot. Claims 6, 14, 22, 30, and 43 have been amended to change "the network load" to "a network load." An amendment to Claim 20 changing its dependency from Claim 18 to Claim 19 now provides antecedent basis for "the calculator" and "the throughput loss parameter" in Claim 21. With respect to Claim 29, an amendment to Claim 28 changing its dependency from Claim 26 to Claim 27 now provides antecedent basis for "the calculator", while the amendment to Claim 20 now provides antecedent basis for "the collision probability parameter" and "the throughput loss parameter." Applicants have amended Claim 40 in full accordance with the Examiner's guidance in the Office Action. Lastly, the amendment to Claim 42 changing its dependency to Claim 41 now provides antecedent basis for "the throughput loss parameter." It is respectfully submitted that these amendments have addressed all of the Examiner's objections, and accordingly, such objection should now be removed.

### 35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected Claims 2-9 and 11-17 under 35 U.S.C. § 112. Claims 2, 7-9, and 15-17 have been cancelled rendering the rejection of those claims moot. Regarding Claims 3-6 and 11-14, Applicants respectfully submit that the amendments discussed above regarding Claims 1, 3, 5-6, and 10 render the rejection of these claims moot.

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Therefore, Applicants respectfully submit that remaining Claims 3-6 and 11-14 now comply with the requirements set forth under 35 U.S.C. § 112, and the rejection thereunder is requested to be withdrawn.

### 35 U.S.C. § 102 Rejections

The Examiner rejected Claims 1-6, 10-14, 18-22, 24-25, and 34-43 under 35 U.S.C. §102(e) as being anticipated by Peng et al, U.S. Patent Application No. 2004/0093421. Applicants have amended independent Claims 1, 10, 18, 34, and 40 to include the features recited in Claims 8 and 16 which the Examiner, in numbered paragraph 11 on page 14 of the Office Action, had identified as allowable if included with their respective rejected base claims. Accordingly, the rejection of Claims 1-6, 10-14, 18-22, 24-25, and 34-43 under 35 U.S.C. §102(e) as being anticipated by Peng is respectfully overcome and requested to be withdrawn.

### 35 U.S.C. § 103 Rejections

The Examiner rejected Claims 26-30 and 32-33 under 35 U.S.C. §103(a) as being unpatentable over Peng. Applicants have amended independent Claim 26 to include the features of Claim 16 which the Examiner had indicated were allowable. Therefore, the rejection of Claims 26-30 and 32-33 under 35 U.S.C. §103(a) as being unpatentable over Peng is respectfully submitted as overcome and requested to be withdrawn.

The Examiner rejected Claims 7, 9, 15, 17, 23, 31 and 44 under 35 U.S.C. §103(a) as being unpatentable over Peng in view of Guo et al, U.S. Patent No. 6,937,951. Claims 7, 9, 15, 17, 23, 31, and 44 have been cancelled rendering the rejection of those claims moot.

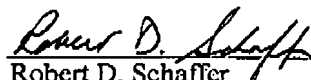
### Conclusion

In view of the foregoing, Applicants submit that the pending claims are clearly distinguished over the prior art of record and are in condition for allowance. Favorable consideration and passage to issue of the present application is therefore respectfully requested.

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The Examiner is invited to telephone the undersigned to discuss any still outstanding matters with respect to the present application. Please charge or credit any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

  
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